

REMARKS

Summary of Applicants' Reply

Applicants have amended claims 2, 15, 28, and 41 to more distinctly describe the claimed subject matter. No new matter has been added by these amendments. Applicants respectfully traverse the rejections and request reconsideration in light of the following remarks.

Rejections under 35 U. S. C. §103

Independent claims 2, 15, 28, and 41 recite a particular and innovative sequence of allowing a user to quickly navigate to "display modes" within a program guide while the user is watching a program or when the user is already in an "interactive program guide display" of the guide. A first display comprising either a program or an interactive program guide is first displayed. Independent claims 2, 15, 28, and 41 have been amended to clarify that a "menu input" is received from the user "subsequent to displaying the first display on the display screen" so that, for a first period of time, only the first display is shown. Responsive to the "menu input" from the first display (i.e., the program or guide display), the guide displays a menu simultaneously with a substantial portion of the first display that was previously displayed alone (e.g., by overlay or by partitioning the screen). The menu has "menu choices corresponding to display modes" of the guide. The user may select one of the choices to view "program guide information" corresponding to the selected menu choice.

The Office Action acknowledges that Youman does not display its Menu of FIG. 6A simultaneously with a previously displayed program or interactive guide display (Office Action, page 3). For that feature, the Action looks to Rowe's simultaneous display of a "preview section 92" (interpreted in the Action as Applicants' first display), and program categories (interpreted in the Action as Applicants' second display) (Office Action, page 3). This combination, however, does not render obvious the claimed approach.

The preview section in Rowe is always displayed together with the schedule display (Rowe, col. 14, lines 8-19.) Rowe fails to disclose displaying the preview section (i.e., the first display), and then receiving a user input subsequent to displaying the preview section. Furthermore, Rowe does not discuss displaying the schedule display (i.e., the second display) in response to the user input from the preview section (i.e., the first display). In fact, Rowe's display behaves in precisely

the opposite manner: the preview section is only populated with information when a user selects a particular listing in the schedule display (see Rowe's Fig. 10 and col. 18, lines 24-46, "in step 132, an inquiry is conducted to determine if the program represented by the selected program tile 66 is a current broadcast. If so, ... the set-top converter 32 is tuned to the appropriate program channel to display the broadcast stream within the preview section 92"). For this fundamental reason, the rejection should be withdrawn.

Additionally, the intended purpose of Rowe's preview section is described as "provid[ing] an opportunity for the subscriber to easily identify and evaluated a selected program [from the schedule display]" (Rowe, col. 14, lines 34-42). Thus, including a first display that was displayed prior to a user input in the preview section would prevent the preview section from achieving its intended purpose: to provide information about a program currently selected in the schedule display. Applicants remind the Examiner that if a proposed modification renders the prior art unsatisfactory for its intended purpose, a *prima facie* case of obviousness cannot be established (MPEP 2143.01). For this fundamental reason, the rejection should be withdrawn.

Hendricks was cited by the Examiner as allegedly showing other limitations of Applicants' dependent claims and does not make up for the deficiencies in the combination.

For at least the foregoing reasons, Applicants request reconsideration and withdrawal of the §103 rejection of independent claims 2, 15, 28, and 41. Applicants also request reconsideration and withdrawal of the rejections of dependent claims 3-14, 16-27, 29-40, and 42-53 for at least the same reasons.

Conclusion

Applicants respectfully submit that this application is in condition for allowance. Accordingly, prompt reconsideration and allowance of this application are respectfully requested.

Applicants believe no fee is due with this response other than as indicated on the enclosed Fee Transmittal. However, if for any reason a fee is due, please charge our Deposit Account No. 06-1075, under Order No. 003597-0001 from which the undersigned is authorized to draw.

Dated: July 26, 2010

Respectfully submitted,

By /Laura Zager/
Laura Zager
Registration No.: 64,813
ROPES & GRAY LLP
Customer Number: 75563
Attorneys/Agents For Applicants